UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/26795
17 November 1993

ORIGINAL: ENGLISH

Note by the Secretary-General

The attached document contains the report of the fact-finding mission that I dispatched in October 1993 to investigate the situation of human rights violations in Abkhazia, Republic of Georgia, including reports of "ethnic cleansing". My decision to send the mission was welcomed by the Security Council in operative paragraph 4 of its resolution 876 (1993) of 19 October 1993. The mission visited the area from 22 to 30 October 1993.

Annex

Report of the Secretary-General's fact-finding mission to investigate human rights violations in Abkhazia, Republic of Georgia

INTRODUCTION

1. Following reports of violations of human rights in Abkhazia, Republic of Georgia, and urgent requests to me to ascertain their nature and extent, in October I decided to dispatch a fact-finding mission to investigate the situation of human rights violations in Abkhazia, including reports of "ethnic cleansing".

2. The Security Council, in its resolution 876 (1993), welcomed that decision. In its resolution 881 (1993), the Council reiterated its demand in its resolution 876 (1993) that all parties to the conflict in Abkhazia, Republic of Georgia, refrain from the use of force and from any violation of international humanitarian law, and looked forward to the report of the fact-finding mission.

3. The mission visited the area from 22 to 30 October 1993. It was headed by the Chief of the International Instruments Section of the Centre for Human Rights, who was assisted by two Professional staff members, one from the Centre in Geneva and the other from the Department of Political Affairs in New York.

4. Between 22 and 27 October 1993, the mission held meetings in Abkhazia (Gudauta or Sukhumi) with leading personalities responsible for the territory's administration, including the top political leader and his deputy; the officials currently responsible for foreign relations, interior affairs and justice; the Chairman of the parliamentary Commission on Human Rights and Ethnic Relations and his deputy; the chief of administration of Sukhumi region; and the head of the Commission on Prisoners-of-War and Defence of the Rights of the Civilian Population of Sukhumi. Additionally, it met with the chief of administration of Ochamchira region, the mayor of Ochamchira and the mayor of Gagra. The mission also had contact with the coordinator of the human rights group "Asarkial".

5. During its stay in Tbilisi, from 28 to 30 October 1993, the mission met with the following government representatives: Chairman of the State Committee for Human Rights and Ethnic Relations and his deputy; the head of the Commission for the Documentation on Atrocities Committed during the Abkhazian Conflict and the Commission secretary; and the Deputy Chairman of the Committee on Refugees and Displaced Persons; as well as the Prime Minister of the Autonomous Republic of Abkhazia, the First Deputy Prime Minister and the Chairperson of the State Committee for Human Rights and Ethnic Relations of the Autonomous Republic of Abkhazia.

6. Both in Abkhazia - in Sukhumi and villages in the district of Gulripsh, as well as in Ochamchira - and in Tbilisi, the mission had the opportunity to interview a number of victims or witnesses of human rights violations, or other civilians. In Tbilisi the mission visited three centres for displaced persons and spoke with a number of persons who, at different stages of the armed conflict, had left their homes in various parts of Abkhazia. Meetings were also

held, both in Sukhumi and in Tbilisi, with representatives of the International Committee of the Red Cross (ICRC) in Georgia and of the non-governmental organization, Médecins sans frontières. In addition, in Tbilisi, the mission met with representatives of the Conference on Security and Cooperation in Europe (CSCE).

I. BACKGROUND AND CONTEXT

7. Abkhazia has been the home for centuries of a people possessing a distinctive language and culture whose descendants, more recently, have constituted only a minority of the territory's population. According to a census conducted in 1989 showing a population of 535,000, Abkhazians accounted for 17.8 per cent of the total, with Georgians constituting 45.7 per cent. Other significant population groups included Russians (16 per cent), Armenians (15 per cent) and Greeks (2.5 per cent). Small groups of Turks, Tatars, Ukrainians, Belarussians and others also formed part of the population. In August 1992 the capital, Sukhumi, had a population of 150,000. Other cities/regions had the following populations: Gudauta 90,000; Ochamchira, 85,000; Gali, 80,000; Gagra, 75,000 and Tkvarcheli, 55,000.

8. In 1931, Abkhazia was accorded the status of an autonomous republic within the Soviet Socialist Republic of Georgia. The political turmoil in the Soviet Union in the late 1980s and its formal dissolution in 1991 were paralleled by growing political tensions and the rise of nationalist feeling among both Georgians and Abkhazians, as well as increasingly insistent demands from the latter for greater autonomy. On 14 August 1992, these developments culminated in the outbreak of an armed conflict.

9. Since August 1992, serious human rights violations are reported to have taken place in the context of the above-mentioned armed conflict, which has gone through several different phases:

(a) On 14 August 1992, Georgian government forces entered the territory of Abkhazia. Large parts of the territory were brought under Georgian control, namely, the areas between the Gumista and the Inguri Rivers, which includes the capital Sukhumi, and from the Psou River to Gagra. Gagra was retaken by Abkhazian forces on 2 October 1992 in an action that resulted in a particularly heavy loss of life;

(b) Intense fighting took place during the months of June and July 1993 on the Gumista front. On 27 July 1993, a cease-fire agreement was signed in Sochi providing, inter alia, for the withdrawal of Georgian troops and heavy weaponry from the areas east of the Gumista River;

(c) On 16 September 1993, claiming that the Georgian side had failed to observe the cease-fire agreement, Abkhazian forces attacked the Georgian forces in Sukhumi. The capital was taken on 27 September 1993. During the days that followed, the Abkhazians regained control over all areas that had been held by Georgian government forces.

10. Grave human rights violations are reported to have taken place during each of the phases of the armed conflict, both during and in the aftermath of the

attacks. Such violations are said to have included extrajudicial executions, torture, rape, looting, burning of houses and apartments as well as their unlawful occupation, often at gunpoint, and forced deportations. Each party to the conflict has also accused the other of carrying out "ethnic cleansing" in the areas under its control.

11. Civilians of all ethnic groups have been victims of human rights violations. In areas controlled by Georgian government forces, such violations were allegedly perpetrated by members of the National Guard or special units such as the Mkhedrioni ("Horsemen") and the "White Eagles", but members of the local population who had been armed by these forces and were cooperating with them have also been implicated. Abkhazians were reported to have been particularly targeted during the first four months following the events of 14 August 1992. Fewer human rights abuses were said to have been committed in the areas under Georgian government administration after units of the National Guard and the Mkhedrioni were replaced by local Georgians at the end of 1992. In the areas under Abkhazian control, mercenaries, mainly from the Northern Caucasus, who fought alongside the regular Abkhazian forces, were singled out as having been the perpetrators of particularly frequent and egregious violations directed against Georgians, but regular Abkhazian forces have also been identified as being responsible for human rights violations.

12. During its visits to Abkhazia and Tbilisi, the mission received a considerable amount of information in the form of documents as well as direct testimony from victims of human rights violations and from eyewitnesses. While it was impossible for the mission to conduct an exhaustive investigation into all allegations of human rights abuses with a view to establishing their veracity and identifying perpetrators and motives, the fact that numerous and serious human rights violations have been committed and continue to be committed in Abkhazia is not open to doubt.

II. HUMAN RIGHTS VIOLATIONS

13. Given the time constraints, the mission's focus was necessarily on developments affecting human rights that occurred after the events of August 1992. The principal areas of concern identified by the mission, on the basis of the information it was able to gather, relate to violations of the right to life and the right to security of the person, of the right to be free from torture or cruel, inhuman or degrading treatment or punishment and of the right to own property and not to be arbitrarily deprived of property. Massive displacement of the civilian population was an area of particular concern.

A. Extrajudicial executions

14. Violations of the right to life have taken place on a large scale since the outbreak of the armed conflict in Abkhazia. The mission has gathered numerous reports and witnesses' accounts concerning extrajudicial, summary or arbitrary killings of civilians of all ages. The victims have been mainly civilians who had not participated in armed confrontations, but many combatants who had been wounded or captured have also lost their lives. Extrajudicial killings have been carried out by members of the regular forces of both parties to the

conflict as well as civilians assisting them, irregular groups and bands of armed individuals. The mission was unable to gather any reliable estimates as to the overall number of victims.

15. A large number of such violations occurred when troops or armed groups moved through the country, either on the offensive or in retreat. While in many instances killings were carried out selectively, the mission also received testimony concerning acts of violence committed indiscriminately, without regard for the ethnic origin of the victim.

16. When they entered Abkhazia in August 1992, Georgian forces were said to have targeted mainly Abkhazians, but Armenians were also reported to have been among the victims of extrajudicial executions. The mission has received testimony indicating that some of the killings were preceded by torture and ill-treatment (for example, beating, burning, extraction of gold teeth, etc.).

17. In Ochamchira, the mission received testimony indicating involvement by local Georgian residents in such killings, either together with the soldiers or on their own. An eyewitness to violent events in this town during 1992 reported that the Mkhedrioni had carried out killings at random, irrespective of the ethnic origin of the victims.

18. Numerous killings of civilians were also committed by Abkhazian forces, both during and after armed confrontations. Many of the allegations concern atrocities committed after the Abkhazians regained control over Gagra in October 1992. The mission received information indicating that several hundred Georgians were killed after Abkhazian forces had entered the city. Despite claims that only combatants with automatic weapons in their hands had been killed, there is evidence that most of the victims were no longer participating in combat, and that many others were civilians who had not actively taken part in the confrontation.

19. Killings of civilians and ex-combatants were also reported to have taken place after the Abkhazian forces regained control over the region between the Gumista and Inguri Rivers in September 1993. The regional authorities in Ochamchira informed the mission that, upon entering the city in the aftermath of the fall of Sukhumi, Abkhazian soldiers had killed a number of Georgians who had been pointed out as collaborators of the Georgian forces. Allegedly, they did this despite warnings by the authorities that such killings would not be tolerated. However, according to the same authorities, the individual soldiers responsible for those acts could not be identified.

20. Numerous witnesses reported that, when the Abkhazian forces moved towards the south in September 1993, the first units did not commit atrocities against civilians. On the contrary, they were said to have warned the population to take precautions since they were to be followed by other units who engaged in looting, burning of houses and killing. However, nothing appears to have been done to prevent those units from carrying out such acts.

21. Since the Abkhazian authorities re-established control over the areas formerly held by Georgian forces, violations of the right to life have reportedly continued. Bands of armed individuals were reported to be terrorizing the population, particularly in the countryside, with neither the

regular Abkhazian army nor the militia providing effective protection. Only very recently has access to villages come under the control of village guard units, which were often formed by the population on their own initiative.

B. Torture and ill-treatment, including rape

22. The mission has received information about cases in which torture and ill-treatment preceded extrajudicial killings. Testimony was received according to which torture was used by Abkhazian forces during interrogations in the region of Pitsunda in the early phases of the conflict. The mission also received testimony of an eyewitness to rapes of women by Abkhazian soldiers. Reports about similar abuses by Georgian government forces were also received but could not be confirmed by the mission. The mission also spoke with several former prisoners who reported having been subjected to ill-treatment during their detention by both Georgian and Abkhazian forces. Several observers have noted, however, that few prisoners were taken during the armed confrontations.

C. Violations of property rights

1. Looting and burning of houses and apartments

23. Property rights have been violated on a massive scale since the beginning of the armed conflict in Abkhazia. Thousands of people have been deprived of their houses, apartments and other belongings. The amount of destruction in the areas in which combat took place, or through which both Georgian and Abkhazian forces advanced or retreated, is enormous. While many of the buildings were destroyed as a consequence of the fighting, a large number of houses and apartments were reportedly set on fire either to force their inhabitants out of their dwellings or in revenge. As in the case of extrajudicial killings, such acts have usually been committed in a selective way. Sometimes, however, they were indiscriminate as, for example, when Mkhedrioni forces moved through Ochamchira in the latter half of 1992.

24. It has been reported to the mission that, when Georgian forces entered Abkhazia in August 1992, they were not provided with adequate logistical support and resorted to violence in order to obtain food. Many witnesses, both Abkhazians and Georgians, stated that the Georgian population of Abkhazia suffered as much as all other nationalities from the presence of these units.

25. Both in the countryside and in Sukhumi and other cities, houses and apartments that were not destroyed have almost without exception been looted. The mission has received numerous reports and witnesses' accounts of such acts having been committed by soldiers, irregulars cooperating with them, civilians and roaming bandits. Very often, only the bare walls and concrete floors of a house or apartment have been left, everything movable having been stolen. Civilians deprived of all their belongings and trying to find the most basic items such as chairs, tables or beds in houses whose inhabitants had fled, have often resorted to looting themselves.

26. In the village of Akhail-Kindgui, district of Gulripsh, for example, the mission met a 60-year-old Abkhazian who explained that he was looking for a

table in houses abandoned by their Georgian owners. He stated that he did not want to take their possessions but had no other choice since Georgians had taken away all his belongings.

27. As a consequence of the burning and looting, entire villages have been abandoned. In others, only very few people are left. Groups of armed individuals are continuing to pass through villages, killing people and animals and looting and burning down houses. During its visit to villages in the region of Gulripsh, the mission could also see such groups of armed people moving around freely. Villagers who were fearful of staying in their own houses often gathered together in the house or apartment of a neighbour.

28. The mission has received evidence indicating that many of these armed groups are composed of former mercenaries who had fought alongside the Abkhazian regular forces. Most of them are from the Northern Caucasus and include Chechens, Circassians, Kabardinians and others. According to a number of observers, many of them had been promised rewards, in money or in kind, and resorted to looting when it became clear that the Abkhazians could not fulfil such promises.

29. Villagers of Gulripsh region informed the mission that looting and burning was carried out in several waves. First, regular Abkhazian soldiers came and demanded weapons, money and gold. Then, a second wave of soldiers took away cars, furniture and whatever else might have been left. They were followed by mercenaries in search of rewards. Finally, armed groups that had not taken part in the combat came to the villages with the aim of looting, burning and killing. In this particular area, such gangs of marauders were composed of Abkhazians and Armenians and were keeping villagers in a permanent state of fear, preventing farmers from working in their fields. While the mission visited these villages, nearby shooting could be heard on several occasions.

2. Occupation of houses and apartments

30. The mission received numerous testimonies about the unlawful occupation of houses and apartments, both in the cities and in the countryside, often under the threat or actual use of force. Such violations have occurred at all times, whether during armed conflict or in periods of cease-fire. Several persons whose apartments or houses were under such illegal occupation informed the mission that there was no effective way for them to recover their property.

31. As a consequence of the armed conflict, many houses and apartments have been abandoned. Almost all of them, if not destroyed, have been taken over by others. To date, few of the original owners have returned and sought to reclaim their property. The Abkhazian authorities have stated that each such case would be examined separately and that illegal occupants would be expelled.

32. The mission received numerous allegations, but could not independently confirm, that people who left Abkhazia had been obliged to sign declarations to the effect that they were abandoning their property voluntarily and handing it over to the authorities. Displaced persons who were interviewed by the mission stated that they did not have to sign such declarations. However, reliable sources stated that, at an earlier stage, this had indeed been the practice.

33. Guarantees for the preservation of the property of those who leave temporarily are very precarious. Representatives of the Abkhazian authorities have stated repeatedly that the rights of the owners would be respected and that houses, apartments and cars would be restored to them. A draft bill was said to be under consideration providing for houses, apartments and cars to be placed in temporary State custody. At present, those leaving were said to give the keys of their dwellings to neighbours who would look after them. However, the mission received numerous reliable reports that in practice all such dwellings are taken over, often by displaced persons from other regions. It has also been brought to the attention of the mission that persons from the Northern Caucasus who had participated in the fighting on the side of the Abkhazians were now being settled with their families in Abkhazian towns and villages as a reward for assisting the Abkhazian forces, but this could not be independently confirmed.

D. Displacements

34. As a consequence of the armed conflict and the massive human rights violations, large numbers of people have left their homes. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), some 250,000 displacements have been registered. This figure includes a number of persons who have been displaced two or three times since August 1992. Official figures provided by the Government of Georgia indicate that there were 152,000 displaced persons as of 1 September 1993.

35. After 27 July 1993, when a cease-fire agreement was signed in Sochi, a number of displaced persons moved back to Sukhumi, which was described as having been a lively town during the summer months of 1993, in which the market and other activities had started to resume. However, the renewal of fighting in September 1993 and its aftermath led to a new wave of displacements. Various observers and witnesses have stressed that the breach of the cease-fire agreement had shattered trust and hopes for the possibility that displaced persons could return to Abkhazia in the foreseeable future. After the Abkhazian forces had taken Sukhumi, most Georgians living in the region between the Gumista and Inguri Rivers tried to flee before the arrival of the Abkhazian forces. Some others who stayed behind were reportedly killed when the Abkhazians took control of villages and cities in Ochamchira region.

36. The Abkhazian authorities informed the mission that, when their forces entered Sukhumi on 27 September 1993, the capital had a population of 50,000, down from the previous 150,000. Some 20,000 displaced persons are said to have returned to Sukhumi since then, while during the first three weeks after the Abkhazian forces regained control of the city, 2,500 had decided to leave. According to local authorijties, the population of Ochamchira had declined by the end of October 1993 from 85,000 to 8,000 - of whom only about 1,000 were Georgians. Observers who had recently visited Gali described it to the mission as a "dead city", in which only some 200 to 300 people were left. Ochamchira and Gali districts, whose inhabitants had been mostly Mingrelian Georgians, were both said to be almost entirely depopulated.

37. Some of those who left Abkhazia in September 1993 were evacuated by ship or by air. Most Georgians from Gali and parts of Ochamchira regions left for the

western Georgian reigon of Mingrelia, using the highway that leads from Sukhumi over Ochamchira and Gali to the border at Inguri River and the city of Zugdidi. Many people who left the areas east of Sukhumi, the region of Gulripsh and the western parts of Ochamchira, were foreced to flee into the mountainous region of Svanetia. While some were said to have been able to cross into the Georgian part of Svanetia and from there through Mestia to Tbilisi, considerable numbers of displaced persons are said to be still in the Svanetian mountains. Their situation has been described to the mission as catastrophic: they are suffering not only from cold, at the onset of wineter, and lack of food and shelter, but also from attacks by armed bandits. Some humanitarian aid in the form of food packages and blankets has been provided by Russian and Ukrainian helicopters, which also evacuated some of the displaced, and through United Nations relief flights. However, the mission has received information tha many displaced persons are hiding in the woods and do not dare to approach even the helicopters providing humanitarian aid, for fear of being robbed. Their plight clearly calls for strengthened humanitarian relief measures.

38. The mission has also received allegations of forced deportations by both sides in the conflict. Some persons were reportedly obliged to sign a declaration stating that they were leaving "voluntarily" and would never come back. Others are said to have had their residence permits (propiska) cancelled in their passports, which would prevent them from coming back and resettling in Abkhazia. The mission was shown only a photocopy of a statement of "voluntary" emigration and a passport in which the propiska had been cancelled, but could not speak with the persons affected, both Georgians. Several displaced persons who were interviewed claimed that both the imposition of a requirement to sign such declarations and the removal of the propiska had been practised by the Abkhazian authorities in Gagra after 2 October 1992.

39. With regard to the propiska, it is of interest to note that, under the pertinent legislation of the former Soviet Union, which is still in force, the propiska expires automatically if a person leaves his or her place of residence for more than six months. The Abkhazian authorities have expressed a willingness to consider making an exception in this regard for persons who have left their homes in Abkhazia under the present circumstances. However, at present there appear to be no guarantees allowing for the eventual return of such displaced persons.

40. Georgians and other non-Abkhazians who currently wish to leave Abkhazia must apply to the Commission on Prisoners-of-War and the Rights of the Civilian Popoulation in Sukhumi, wherre their name, date of birth, address in Abkhazia and desired date of departure are recorded. All Georgians of fighting age must produce a clearance from the security service to prove that they have not participated in anti-Abkhazian activities. Those who have obtained this clearance, as well as women, children and the elderly, are then taken by bus to a bridge over the Inguri Rivedr, from where they have to continue their journey into Mingrelia on foot. The mission has received testimony indicateing that, despite affirmations to the contrary by the Abkhazian authorities, Georgians were afraid that they will not be allowed to return if they follow the official emigration procedures currently applicable. As a consequence, some of them have tried to leave the territory clandestinely.

41. The numbers of persons leaving Abkhazia in accordance with such procedures have been decreasing over the last weeks, but some 20 to 30 Georgians, Russians, Armenians and others are still leaving daily on a bus provided by the Abkhazian authorities.

42. The mission has clearly noted, during interviews with civilians both in the cities and in the countryside in Abkhazia, the persistence of a general atmosphere of fear. This was confirmed by several observers who had spent some time in the area. The fear appears to be based both on previous experience and on accounts of atrocities that have actually taken place, as well as on rumours. Each party to the conflict continues to accuse the other of inciting hatred through propaganda in the mass media and statements by politicians, further fuelling the sense of fear and insecurity.

III. ADMINISTRATIVE AND JUDICIAL REMEDIES

43. At present, practically no effective remedies are available to victims of past human rights violations or for the prevention of future violations, in particular of property rights. In the latter regard, the mission was informed by the Abkhazian authorities that those affected could lodge official complaints, which would be pursued. If appropriate, illegal occupants would be removed and the property restored to the owner. In practice, however, people are afraid to turn to the authorities. The mission was also informed by persons whose dwellings had been taken from them that the current occupants had threatened to burn their houses down if they lodged a complaint with the authorities.

44. The mission did not receive clear information concerning measures that were being taken or contemplated by either the Georgian or Abkhazian authorities to bring the perpetrators of major human rights violations to justice. A number of cases of persons charged with murder, looting, rape or arson are said to be under investigation in Abkhazia, including some involving members of the regular Abkhazian forces. The case of the former Chairman of the Council of Ministers of the Autonomous Republic of Abkhazia, Mr. Zhiuli Shartava, who was assassinated after the Abkhazian forces had taken Sukhumi on 27 September 1993, is regarded as a matter of exceptional gravity, particularly by the Georgian Government, and the Abkhazian authorities stated to the mission that they had already initiated an intensive investigation, which was still continuing.

IV. LAW AND ORDER

45. All displaced persons interviewed by the mission who stated their hope of being able to go back to Abkhazia in the future stressed that the re-establishment of law and order, which would guarantee respect for human rights, was the main condition for their eventual return. As indicated earlier, at present this condition is far from being fulfilled. The Abkhazian authorities, for their part, repeatedly asserted their intention to restore law and order as soon as possible. They acknowledged that human rights violations have taken place and continue to occur. They did not deny that soldiers have been responsible for killings - indeed, several orders (No. 281 of 17 August 1993, No. K 197 of 23 August 1993 and No. K 208 of 1 September 1993)

were issued concerning measures to improve discipline among the troops following "incidents of irresponsible use of firearms resulting in casualties" - and that gangs of marauders and looters continued to escape their control. The authorities repeatedly stressed that they condemned crimes and human rights abuses. After control over Sukhumi was established, the two main officials responsible for security were said to have been dismissed for their involvement in illegal acts. At the same time, the authorities have acknowledged their incapacity to gain control over the situation under the present conditions, noting in this connection that the militia was substantially understaffed; that communications were insufficient; that electricity was lacking; and that proper law enforcement was further impeded by the lack of fuel and of paper to print and disseminate laws and decrees regarding public order.

46. The Abkhazian authorities have now issued a number of orders aimed at restoring law and order and authorizing law enforcement agents to use force to that end. For example, order No. 287 of 10 October 1993, concerning measures against war criminals, thieves and robbers on the territory of Abkhazia, provides that armed persons resisting arrest are to be shot on the spot. Similar provisions were made in order No. 288 of 11 October 1993 for the region of Gali. The authorities claimed that the efforts undertaken with a view to confiscating illegal arms had yielded some results. Nevertheless, during its stay in Abkhazia the mission could observe a large number of automatic rifles being carried openly in the cities and villages. In Sukhumi, shooting could be heard frequently after dark and during the daytime. The fact that not all members of the militia wore uniforms made it very difficult to ascertain whether those carrying weapons were entitled to do so.

47. The Abkhazian authorities stressed that they would like to see the displaced persons return to Abkhazia. Decrees have been issued inviting all Russians, Turks, Greeks, Jews and Armenians to come back. Georgians are also said to be most welcome, provided that they had not fought against the Abkhazian forces during the armed conflict. Representatives of the Abkhazian authorities told the mission that they genuinely wanted all Georgians to come back, but were not pressing them to return immediately since they could not ensure their safety under the present circumstances. They also informed the mission that a meeting was scheduled to take place on 25 October 1993 between representatives of the Abkhazian authorities and of displaced persons who wished to return to the Gali region and who had reportedly asked that an Abkhazian chief of administration be appointed for the period of their resettlement. The mission has not received any information about the outcome of this meeting. On 20 October 1993, pursuant to decree No. 89, a commission was established to promote the return of displaced persons.

V. CONCLUSIONS AND RECOMMENDATIONS

A. Conclusions

48. Numerous and serious human rights violations have been committed, and continue to be committed, in Abkhazia since the outbreak of the armed conflict between Georgian government forces and Abkhazian forces on 14 August 1992. The mission is deeply concerned at the degree of violence unleashed by this conflict and the resulting devastation.

49. Civilians, including women, children and elderly persons, as well as combatants who were no longer actively participating in armed confrontations, have been the victims of violations of the right to life and physical integrity, of the right to personal security and of property rights.

50. The victims included members of all ethnic groups inhabiting Abkhazia.

51. Both Georgian government forces and Abkhazian forces, as well as irregulars and civilians cooperating with them or enjoying their acquiescence, have been responsible for such human rights violations.

52. In addition to the loss of numerous lives, the conflict has led to the almost complete devastation of vast areas of the country and the massive displacement of population, entailing extreme hardship and suffering. There are indications, in the latter connection, that during the administration of the area between the Gumista and Inguri Rivers by Georgian government representatives, a large number of Abkhazians had left. Conversely, entire regions, such as Gali and Ochamchira, have now been deserted by almost all of their Georgian (Mingrelian) population, which had constituted a large majority there, and most Georgians also appear to have left Sukhumi. On the basis of the information collected, the mission was not in a position to ascertain whether it had been an actively pursued policy of the authorities of either side, at any time, to clear the areas under their control of either the Abkhazian or the Georgian population. Only further careful investigation and evaluation can establish the relevant facts in a conclusive manner. The passionate character of the conflict, the destruction of houses and apartments and of basic living conditions as a direct consequence of the fighting and the deeply felt fear for personal security in an atmosphere of lawlessness and violence to which many individuals have testified undoubtedly contributed greatly to the displacement of the population on such a massive scale.

53. The mission was particularly impressed by the fact that all displaced persons interviewed affirmed that, prior to the outbreak of the armed conflict, they had lived peacefully with their neighbours. Many of them also told the mission that, during the conflict, Abkhazian villagers had protected their Georgian neighbours and vice versa. Almost without exception, the displaced persons met by the mission asserted that they wished to return to Abkhazia. However, they made it clear that this was subject to the restoration of a situation in which their safety could be guaranteed and their protection assured.

B. Recommendations

54. If human rights are to be restored in the territory of Abkhazia and their enjoyment ensured, the following measures will need to be taken.

55. Investigations should be carried out by both parties to the conflict into all allegations of human rights violations with a view to clarifying the circumstances and identifying those responsible. Those involved in planning and carrying out such human rights violations should be prosecuted and sanctioned, regardless of their rank or position, by the appropriate authorities.

56. Compensation should be granted to the victims or, in cases of extrajudicial executions, to their families.

57. With a view to preventing further human rights violations, measures should be taken to ensure that, in carrying out their tasks, the security forces fully respect human rights and observe, in particular, the restrictions on the use of force and firearms as set forth in international human rights instruments. 1/ Accordingly, security forces and law enforcement personnel should receive thorough training in the field of human rights. In this regard, it may be recalled that the most effective deterrent of human rights abuses is the certainty that those involved will be held responsible.

58. Those in control of the territory should implement and ensure law and order in Abkhazia. Particular attention should be paid to ensuring the safety of the inhabitants of those areas which at present suffer from banditry and criminality. In addition, all those carrying weapons illegally should be disarmed.

59. The enjoyment of property rights should be fully guaranteed. All illegally occupied houses and apartments should be restored to their owners. Funds and construction materials should be made available to provide housing to all those whose homes have been destroyed in the course of the armed conflict. The international community should be encouraged to provide generous assistance in this regard.

60. The right of displaced persons to return to Abkhazia should be ensured. The continued validity of their propiska even after more than six months of absence from their place of residence should be guaranteed by law. The international community should assist the Georgian and Abkhazian authorities in facilitating the return of those displaced. A matter of particular urgency is the situation of displaced persons who are still hiding in the mountains of Svanetia.

61. The Abkhazian authorities have repeatedly stated their willingness to create the conditions for the return of the displaced, namely the re-establishment of law and order so that their safety may be guaranteed. They have also assured the mission that they considered all inhabitants of the territory to be citizens of Abkhazia, regardless of their ethnic origin. The international community should closely monitor the efforts made to put these statements into practice. The presence of representatives of international organizations may be helpful in the restoration of guarantees for the protection of the civilian population. Human rights monitors placed in Abkhazia could make an important contribution in this regard.

62. It is the obligation of the appropriate authorities to undertake every effort to achieve the reconciliation of all components of the population of Abkhazia and thus facilitate the creation of conditions for the return of the displaced and for peaceful coexistence. Both sides should refrain from propaganda in any form as well as from all manifestations that may lead to incitement to hatred or discrimination on ethnic grounds. The means of mass communication should be used as an instrument to promote reconciliation.

63. Effective and lasting guarantees to ensure respect for human rights will very much depend on the elimination of the climate of fear and insecurity currently prevailing in Abkhazia. Both sides should endeavour to find a speedy political solution to the conflict that would allow them to concentrate on facilitating the return to normality. The international community should strongly support them in such efforts.

Notes

1/ The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held at Havana, Cuba, from 27 August to 7 September 1990 (A/CONF.144/28/Rev.1); the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169); and the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65).